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DATE PRINTED:1/04/06 4:02:05 PM

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF: York

POLICE
CRIMINAL COMPLAINT

Magisterial District Number:	19-3-04
District Justice Name: Hon.	Vera J. HEILMAN
Address:	28 Northbrook Dr., Suite D Shrewsbury, PA 17361
Telephone:	(717)227-0688

COMMONWEALTH OF PENNSYLVANIA

DEFENDANT:

VS.
NAME and ADDRESS

MATHHEW

Mathhew Scott DIEHL

39 Valley Rd

Shrewsbury, PA 17361

(717)227-8184

Docket No: CR-0000363-05

Date Filed: 11/18/05

OTN: L265684-6

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. 04/03/81	Defendant's Social Security Number 189-64-3848	Defendant's SID 314-53-38-1
Defendant's A.K.A.	Defendant's Vehicle Identification Plate Number EDA9072	State PA	Registration Sticker (MM/YY) 07/06	Defendant's Driver's License Number State PA 25610318
Complaint/Incident Number H07-1527604	Complaint/Incident Number If other Participants			UCR/NIBRS Code 210

District Attorney's Office ☐ Approved ☐ Disapproved because: _____
 (The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing.
 P.A.R.Cr.P. 107.)

(Name of Attorney for Commonwealth-Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

I, Tpr. Jeffrey M. GODBOLDTE

6322 / 419720

(Name of Affiant-Please Print or Type)

(Officer Badge Number/I.D.)

of PA STATE POLICE / YORK

PAPSP9400

H07-1527604

(Identify Department or Agency Represented and Political Subdivision)

(Police Agency ORI Number)

(Originating Agency Case Number (OCA))

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant, who lives at the address set forth above☐ I accuse the defendant whose name is unknown to me but who is described as _____
☐ I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have
 therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at Calhoun Rd and Sr3022

(Place-Political Subdivision)

Shrewsbury Twp

in York County on or about

11/15/05 At approx. 1900 hrs.

Participants were: (if there were participants, place their names here, repeating the name of above defendant)

Mathhew Scott DIEHL

2. The acts committed by the accused were:

 (Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated,
 without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)
RECEIVED
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POLICE
CRIMINAL COMPLAINT

Defendant's Name: Mathhew Scott DIEHL

Docket Number: CR-0000363-05



PA Vehicle Code Title 75 Section 3802 Driving Under Influence of Alcohol or Controlled Substance (M):

That he / she did unlawfully then and there ☒ drive, ☒ operate, ☒ or was in actual physical control of the movement of any motor vehicle: 1992 Oldsmobile Cutlass Supreme Sdn bearing PA registration EDA9072

- ☒ (a)(1) after imbibing enough alcohol to render him / her incapable of safe driving.
- ☐ (a)(2) after imbibing enough alcohol such that the BAC is at least .08% but less than .10% within two hours of driving; to wit the defendant did have a BAC of _____%
- ☐ (b) after imbibing enough alcohol such that the BAC is at least .10% but less than .16% within two hours of driving; to wit the defendant did have a BAC of _____%
- ☒ (c) after imbibing enough alcohol such that the BAC is at least .16% or higher within two hours of driving; to wit the defendant did have a BAC of .181 %
- ☐ (d)(1) with any amount of a schedule I drug, or any amount of a schedule II or III drugs if not medically prescribed, in his/ hers blood.
- ☐ (d)(2) under the influence of enough drugs to render him / her incapable of safe driving.
- ☐ (d)(3) under the influence of any combination of drugs and alcohol to render him / her incapable of safe driving.
- ☐ (e) a person under the age of 21 who drives after imbibing enough alcohol such that the BAC is at least .02% within two hours of driving; to wit the defendant was the age of _____ and did have a BAC of _____%

ADDITIONAL CHARGES:

DRIVING VEHICLE AT SAFE SPEED: (Summary) PA VEHICLE CODE 3361 In that the above named defendant did, on or about the above mentioned date, time and location, drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, or at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. To Wit: The defendant was driving a 1992 Blue Oldsmobile Cutlass Supreme bearing PA registration EDA9072 and he came around a narrow curve and overturned onto the roadway.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1.	<u>3802</u> (Section)	<u>(a)(1)</u> (Subsection)	of the	<u>TITLE 75</u> (PA Statute)	<u>1</u> (counts)
2.	<u>3802</u> (Section)	<u>(c)</u> (Subsection)	of the	<u>TITLE 75</u> (PA Statute)	<u>1</u> (counts)
3.	<u>3361</u> (Section)	<u></u> (Subsection)	of the	<u>TITLE 75</u> (PA Statute)	<u>1</u> (counts)
4.	<u></u> (Section)	<u></u> (Subsection)	of the	<u></u> (PA Statute)	<u></u> (counts)

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn
4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. 4904) relating to unsworn falsification to authorities.

November 16, 2005

TPA J. M. Gato
(Signature of Affiant)

AND NOW, on this date 22 NOV, 2005, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

19-3-04

(Magisterial District)

[Signature]
(Issuing Authority)

SEAL

**POLICE
CRIMINAL COMPLAINT**



Defendant's Name: Mathew Scott DIEHL

Docket Number: CR-0000363-05

AFFIDAVIT of PROBABLE CAUSE

I was dispatched to an accident at Calhoun Rd and Toad Valley Rd, Shrewsbury Twp, York Co.,PA on 11/15/05 at 1900 Hrs. Upon my arrival the driver was at his residence on 39 Valley Rd, Shrewsbury PA 17361. I interviewed witness Christine REGGLEMEN 3 Glen Hurst Rd, Shrewsbury PA 17361 (717)227-9257 on scene at 1925 hrs. and she related, "I came upon the accident with another lady(Noreen SHENK). We looked in the car and saw a man head into the woods. Then we saw the man come out of the woods. He was wearing a baseball cap and he had short hair. He said he was fine and was walking to a friends house."

I ran the registration and it came back to 39 Valley Rd, Shrewsbury Twp. I went to the address where I found the operator Matthew DIEHL. I interviewed him at his house at 1935 Hrs. and he related, "I was driving east on sr3022 and a man was standing in the middle of the street. He had an army buzz cut and was wearing jeans. He pulled a pistol and told me to get out of the car. I ran into the woods." I detected the strong smell of an alcoholic beverage about his breath. I gave him field sobriety tests and he failed. I had him blow into a PBT. He blew a .170%. I told the operator he was under arrest for DUI. I transported him to the York Hospital Lab and I read him his Implied Consent Warning. He agreed to the blood test. The nurse withdrew his blood from his right arm at 2038 hrs. I transported the defendant to station.

I called witness Noreen SHENK 2410 Rexwood Rd, Glen Rock PA 17327 H(717)227-4774 at 2130 hrs. and she gave a description of the operator(W/M approx 5'10 light short hair with blue eyes and he was in his late teens early 20's) she also related that the defendant related he had a flat tire and he was going home. I called the other witness Christine REGGLEMEN at 2135 hrs. and she gave me a similar description. She also related she has just driven by prior and she didn't see any male standing in the roadway. The defendant was read his Miranda Warning at 2135 hrs. and interviewed. The defendant was processed. The defendant was released to his father at 2210 hrs. I called the York Hospital lab on 11/16/05 at 1600 Hrs. and they related that the defendant's BAC was .181%. Charges were filed.

The defendant has no prior DUI's and nobody else was in the vehicle with him.

I, Tpr. Jeffrey M. GODBOLDTE, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Sworn to me and subscribed before me this _____ day of _____

_____, District Justice

My commission expires first Monday of January,

2006

SEAL